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REMARKS

I. Claim Rejections Under 35 USC §102

A. Claim 21 in view of Webb et. al.

Claim 21 is now rejected as being anticipated by Webb et al. (WO98/42407). Applicant respectfully traverses.

Webb is relied upon for its disclosure at page 5 that a remote center can communicate via the internet with a programmer for an implantable medical device. Webb is further characterized as disclosing a communications protocol that emulates a client/server model wherein commands entered on the programmer are executed as if entered directly on the remote data center. But, no identification is made as to where Webb discloses this feature.

In fact, all the Webb discloses is that a programmer at a patient location communicates information to a remote expert location (p.6, lines 14-19). The communication permits information to be reviewed simultaneously at both the patient location and the expert location (p.6, lines 20-23). Nowhere in Webb is there any indication that a command entered on the programmer can effect the execution of operations at the remote expert location which can also be put into effect based upon a command entered at the remote expert location. A command entered on the programmer can effect a simultaneous display of information on the display at the remote expert location, but there is no indication that a command entered at the remote expert location can effect such a simultaneous display.

Accordingly, Webb et al. fails to anticipate claim 21 and the rejection should be withdrawn.

B. Claims 21-23 in view of Snell

Claims 21-23 continue to be rejected as being anticipated by Snell (U.S. Patent 6,249,705). Again, Applicant respectfully traverses.

Snell is characterized as providing a communications protocol that emulates a client/server model and permits commands entered on the programmer to be executed as if entered directly on the remote data center. In

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support, columns 4 and 7 of Snell are relied upon. In column 4, however, Snell merely references a "communication protocol" and cites to examples of X.25, AppleTalk and TCP/IP.

AppleTalk is a protocol developed by Apple Computer in the early 1980s and its purpose was to allow multiple users to share resources, such as files and printers. The devices that supply these resources are called servers, while the devices that make use of these resources (such as a user's Macintosh computer) are referred to as clients. Hence, AppleTalk is one of the early implementations of a "distributed client/server" networking system.

TCP and IP were developed by a Department of Defense (DOD) research project to connect a number different networks designed by different vendors into a network of networks (the "Internet"). Several computers in a small department can use TCP/IP on a single LAN.

X.25 is an International Telecommunication Union-Telecommunication Standardization Sector (ITU-T) protocol standard for WAN communications that defines how connections between user devices and network devices are established and maintained.

In contrast to these protocols, Telnet is a terminal emulation program for TCP/IP networks such as the Internet. The Telnet program runs on the client computer and connects it to a server on the network. Commands can be entered through the Telnet program and they will be executed as if they were being entered directly on the server console. This enables the client computer (i.e., programmer) to control the server and communicate with other servers on the network.

None of the communications protocols identified in Snell provide the claimed functionality of a Telnet connection. Each protocol identified in Snell is merely a protocol that allows multiple users to share a common resource. Snell therefore goes no further than to disclose a distributed client/server network system. The functions identified in column 7 are operations executed on the server in response to a request from a distributed client (i.e., the programmer).

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Snell nowhere suggests that the network server 102 can be controlled by a network programmer 104.

Accordingly, Snell fails to anticipate claims 21-23.

II. Claims Rejections Under 35 USC §103

A. Claims 21-23 in view of Snell

In the alternative, Snell is alleged to render claims 21 and 23 obvious. There is implicit recognition in this rejection that Snell does not disclose a communications protocol that emulates a client/server model and permits commands entered on the programmer to be executed as if entered directly on the remote data center. However, the position of the examiner is to equate Telnet with TCP/IP, which is blatantly incorrect.

Telnet is the terminal emulation protocol of TCP/IP. Modern Telnet is a versatile terminal emulation due to the many options that have evolved over the past twenty years. Options give Telnet the ability to transfer binary data, support byte macros, emulate graphics terminals, and convey information to support centralized terminal management. Telnet uses the TCP transport protocol to achieve a virtual connection between server and client. After connecting, Telnet server and client enter a phase of option negotiation that determines the options that each side can support for the connection. Each connected system can negotiate new options or renegotiate old options at any time. In general, each end of the Telnet connection attempts to implement all options that maximize performance for the systems involved. In a typical implementation, the Telnet client sends single keystrokes, while the Telnet server can send one or more lines of characters in response.

Thus, Telnet uses TCP/IP for purposes of connection between the server and the client. But, TCP/IP does not in and of itself provide the protocol that emulates a client/server model and permits commands entered on the programmer to be executed as if entered directly on the remote data center.

Claims 21-23 are not rendered obvious by Snell.

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B. Claims 24 and 25 Over Snell

Claims 24 and 25, which are dependent claims, were rejected as being unpatentable over Snell. Applicant respectfully traverses.

The rejection is viable only if claim 21 is anticipated as alleged. As shown above, claim 21 is not anticipated, nor is it rendered obvious by Snell. Therefore, the rejection of claims 24 and 25 for obviousness over Snell fails.

III. Examiner's Response to Arguments

The examiner finds that the arguments made previously and again lodged herein with regard to the patentability of claim 21 is not persuasive because the claim does not state that the programmer controls the server. However, that is exactly what the language "wherein commands entered on the programmer are executed as if entered directly on the remote data center" means. The Examiner's arguments are circular. What else can the language mean if not that the programmer is able to control the server? Clearly, commands plus execution equals control.

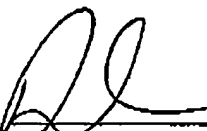
IV. Conclusion

Applicant submits that claims 21-25 are in form and condition for allowance and requests that a notice of allowance be issued.

Respectfully submitted,

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